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March 10, 2021

**VIA ELECTRONIC CASE FILING**

The Honorable Sanda J. Feuerstein  
United States District Court Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: **Zarda, et al. v. Altitude Express, Inc., et al.**  
**Case No.: CV-10-4334 (SJF) (AYS)**

Your Honor:

This firm was counsel to the now closed<sup>1</sup> and defunct entity, Altitude Express, Inc., and is currently counsel to Raymond Maynard. We write in connection with Plaintiffs' Notice of Motion and supporting documentation that were filed improperly on March 9, 2021 [ECF Doc. No. 295 – 299]. These documents were previously served on Defendants as a "Cross-Motion" to Defendants' Motion to Dismiss the Second Amended Complaint, which was fully briefed and filed on March 9, 2021 [ECF Doc. No. 292 - 294]. Defendants included Plaintiffs' "Cross-Motion" as "Exhibit H" to the Reply Declaration of Saul D. Zabell [ECF Doc. No. 294-1] and explained the deficient procedural circumstances surrounding Plaintiffs' "Cross-Motion." Moreover, Defendants' opposed to the "substantive" issues raised in Plaintiffs' "Cross-Motion" in Defendants' Reply Memorandum of Law. [ECF Doc. No. 294]. Defendants respectfully incorporate and refer to all arguments previously raised in the Reply Declaration of Saul D. Zabell and Defendants' Reply Memorandum of Law as their response to Plaintiffs' improperly filed Motion. For the reasons set forth and contained in the aforementioned documents, Plaintiffs' March 9, 2021 Motion must be denied in its entirety.

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<sup>1</sup> Dissolved March 10, 2017.



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Counsel for Defendants' remains available should the Court require additional information regarding this submission or our response to Plaintiffs' March 9, 2021 Motion.

Respectfully submitted,

ZABELL & COLLOTTA, P.C.



Saul D. Zabell

cc: All counsel of record (via Electronic Case Filing)